

USA v. HOLLY ANN ELKINS

In Defense of Ms. Elkins

Stephen J. Green

Jeff Daniel Clark

Gabriela Markolovic



Case 3:23-cr-00247-B *SEALED*

Document 1 *SEALED*

Filed 06/21/23

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SEALED

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NORTHERN DISTRICT OF TEXAS
FILED

JUN 21 2023

CLERK, U.S. DISTRICT COURT

By

Dep. Clerk

UNITED STATES OF AMERICA

NO.

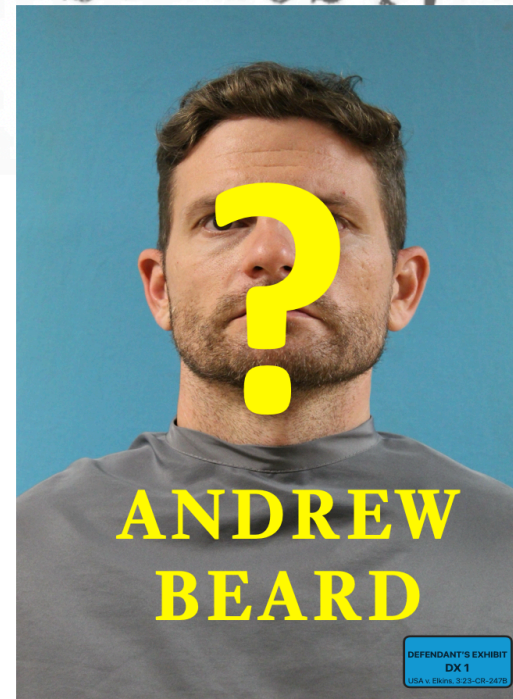
v.

3 - 23 CR 0247 - B

HOLLY ANN ELKINS

INDICTMENT

**INCONSISTENT
INADEQUATE
INCOMPLETE**



Job Evaluation Checklist

The Government's job:
Eliminate
Every Single
Reasonable Doubt

Proof of such a convincing character that:

- ☐ **You would rely and act on that evidence**
- ☐ **without hesitation**
- ☐ **to make the most important decisions of your own affairs**

Jurors

Three Jobs During Deliberations:

1. Make decisions

2. Follow the law

3. Explain your thinking to each other



III. Charges Against the Defendant

Single Defendant

A separate crime is charged in each count pertaining to it, should be considered separately.

Conspiracy
(Violation of)

Title 18, United States Code, Section 371
conspire to commit an offense against the laws of

The defendant is charged with conspiring

A "conspiracy" is an agreement between two or more persons to commit some unlawful purpose. It is a kind of "partnership in crime." Once a conspiracy becomes the agent of every other member of the conspiracy.

For you to find the defendant guilty of conspiracy, the government has proved each of the following beyond a reasonable doubt:

First: That the defendant and at least one other person conspired to commit Stalking, as charged in the indictment;

Second: That the defendant knew the unlawful purpose of the conspiracy, willfully, that is, with the intent to further the unlawful purpose;

Third: That at least one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the indictment, in order to accomplish some object or purpose of the conspiracy.

The overt act need not be of a criminal nature so long as it is done in furtherance of the conspiracy.

government has proved each of the following:

First: That the defendant and at least one other person conspired to commit

Stalking, as charged in the indictment;

Second: That the defendant knew the unlawful purpose of the conspiracy, willfully, that is, with the intent to further the unlawful purpose;

Third: That at least one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the indictment, in order to accomplish some object or purpose of the conspiracy.

The overt act need not be

“ELEMENTS”



III. Charges Against the Defendant

Single Defendant – Multiple Counts

A separate crime is charged in each count of the indictment. Each count, and the evidence pertaining to it, should be considered separately.

Count One
Conspiracy to Stalk
(Violation of 18 U.S.C. § 371)

Title 18, United States Code, Section 371, makes it a crime for two or more persons to

Second: That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and

For you to find the defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the defendant and at least one other person agreed to commit the crime of Stalking, as charged in the indictment;

Second: That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and

Third: That at least one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the indictment, in order to accomplish some object or purpose of the conspiracy.

The overt act need not be of a criminal nature so long as it is done in furtherance of the conspiracy.

Second: That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and



“ . . . with the intent to kill, injure, harass, or intimidate, or place under surveillance with the intent to kill, injure, harass, or intimidate, another person.”

(from Count Two, *Second* element, p. 11)

Manner and Means of the Conspiracy

It was part of the conspiracy that **Elkins** and Beard formulated a plan and

- a. ~~In or about October 2019, Beard activated a GPS tracking service to monitor A.A.B.'s travels.~~

Holly didn't
meet Beard
until April 2020

that they did not commit; and

- c. assaulting and murdering A.A.B. with a dangerous weapon.

Overt Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, and to accomplish the object of the conspiracy, the following overt acts, among others, were committed:

- a. In or about October 2019, Beard activated a GPS tracking service to monitor A.A.B.'s travels.
- b. In or about June 2020, **Elkins** and Beard searched for GPS tracking devices and associated accessories to place on A.A.B.'s automobile.
- c. In or about June, July, and August 2020, **Elkins** and Beard purchased GPS tracking devices and associated accessories.
- d. In or about June, July, and August 2020, **Elkins** and Beard took surveillance photographs of A.A.B.'s and B.E.'s automobiles.
- e. On or about June 25, 2020, **Elkins** and Beard placed a GPS tracking device on A.A.B.'s automobile.

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Manner and Means of the Conspiracy

It was part of the conspiracy that **Elkins** and Beard formulated a plan and

agreement which, among other things, included:

b. ~~In or about June 2020, **Elkins** and Beard searched for GPS tracking devices and associated accessories to place on A.A.B.'s automobile.~~

Trackers. Intent?

c. assaulting and murdering A.A.B. with a dangerous weapon.

Overt Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, and to accomplish the object of the conspiracy, the following overt acts, among others, were committed:

a. ~~In or about October 2019, Beard activated a GPS tracking device to monitor A.A.B.'s travels.~~

b. In or about June 2020, **Elkins** and Beard searched for GPS tracking devices and associated accessories to place on A.A.B.'s automobile.

c. In or about June, July, and August 2020, **Elkins** and Beard purchased GPS tracking devices and associated accessories.

d. In or about June, July, and August 2020, **Elkins** and Beard took surveillance photographs of A.A.B.'s and B.E.'s automobiles.

e. On or about June 25, 2020, **Elkins** and Beard placed a GPS tracking device on A.A.B.'s automobile.

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Manner and Means of the Conspiracy

- c. ~~In or about June, July, and August 2020, Elkins and Beard purchased GPS tracking devices and associated accessories.~~

Trackers. Intent?

b. ~~falsely reporting criminal behavior by fabricating criminal offenses against~~

A.A.B. and an immediate family member of A.A.B. to have them arrested for offenses that they did not commit; and

- c. assaulting and murdering A.A.B. with a dangerous weapon.

Overt Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, and to accomplish the object of the conspiracy, the following overt acts, among others, were committed:

- a. ~~In or about October 2019, Beard activated a GPS tracking device to~~

~~monitor A.A.B.'s travels.~~

- b. ~~In or about June 2020, Elkins and Beard searched for GPS tracking devices~~

~~and associated accessories to place on A.A.B.'s automobile.~~

- c. In or about June, July, and August 2020, Elkins and Beard purchased GPS tracking devices and associated accessories.

d. In or about June, July, and August 2020, Elkins and Beard took surveillance photographs of A.A.B.'s and B.E.'s automobiles.

e. On or about June 25, 2020, Elkins and Beard placed a GPS tracking device on A.A.B.'s automobile.

d. In or about June, July, and August 2020, **Elkins** and **Beard** took surveillance photographs of A.A.B.'s and B.E.'s automobiles.

**Surveillance
Photographs.
Intent?**

A.A.B. and an immediate family member of A.A.B. to have them arrested for offenses that they did not commit; and

c. assaulting and murdering A.A.B. with a dangerous weapon.

Overt Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, and to accomplish the object of the conspiracy, the following overt acts, among others, were committed:

a. ~~In or about October 2019, Beard activated a GPS tracking device to~~

~~monitor A.A.B.'s travels.~~

b. ~~In or about June 2020, Elkins and Beard searched for GPS tracking devices~~

~~and associated accessories to place on A.A.B.'s automobile.~~

c. ~~In or about June, July, and August 2020, Elkins and Beard purchased GPS~~

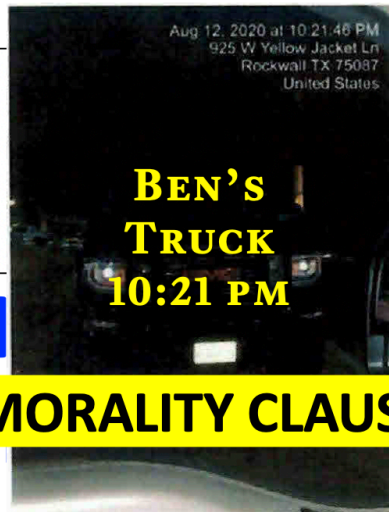
~~tracking devices and associated accessories.~~

d. In or about June, July, and August 2020, **Elkins** and **Beard** took surveillance photographs of A.A.B.'s and B.E.'s automobiles.

e. On or about June 25, 2020, **Elkins** and **Beard** placed a GPS tracking device on A.A.B.'s automobile.

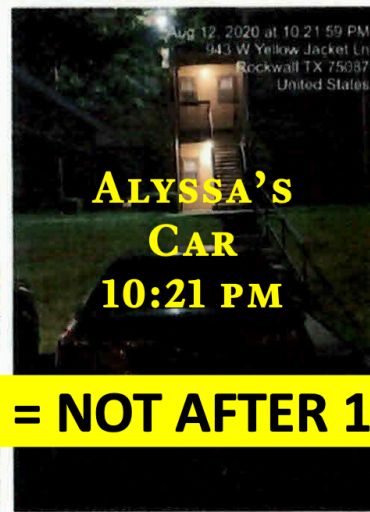
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Intent?



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MORALITY CLAUSE RULE = NOT AFTER 10:00 PM

on A.A.B.'s automobile.

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rested for offenses

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~~GPS tracking device~~

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learned took

i GPS tracking device

d. ~~In or about June, July, and August 2020, Elkins and Beard took~~
~~surveillance photographs of A.A.B.'s and B.E.'s automobiles.~~

**Surveillance
Photographs.
Intent?**

A.A.B. and an immediate family member of A.A.B. to have them arrested for offenses that they did not commit; and

c. assaulting and murdering A.A.B. with a dangerous weapon.

Overt Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, and to accomplish the object of the conspiracy, the following overt acts, among others, were committed:

a. ~~In or about October 2019, Beard activated a GPS tracking device to~~
~~monitor A.A.B.'s travels.~~

b. ~~In or about June 2020, Elkins and Beard searched for GPS tracking devices~~
~~and associated accessories to place on A.A.B.'s automobile.~~

c. ~~In or about June, July, and August 2020, Elkins and Beard purchased GPS~~
~~tracking devices and associated accessories.~~

d. In or about June, July, and August 2020, Elkins and Beard took surveillance photographs of A.A.B.'s and B.E.'s automobiles.

e. On or about June 25, 2020, Elkins and Beard placed a GPS tracking device on A.A.B.'s automobile.

- e. ~~On or about June 25, 2020, Elkins and Beard placed a GPS tracking device on A.A.B.'s automobile.~~

Trackers. Intent?

b. falsely reporting criminal behavior by fabricating criminal offenses against A.A.B. and an immediate family member of A.A.B. to have them arrested for offenses that they did not commit; and

c. assaulting and murdering A.A.B. with a dangerous weapon.

Overt Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, and to accomplish the object of the conspiracy, the following overt acts, among others, were committed:

- a. ~~In or about October 2019, Beard activated a GPS tracking device to monitor A.A.B.'s travels.~~
- b. ~~In or about June 2020, Elkins and Beard searched for GPS tracking devices and associated accessories to place on A.A.B.'s automobile.~~
- c. ~~In or about June, July, and August 2020, Elkins and Beard purchased GPS tracking devices and associated accessories.~~
- d. ~~In or about June, July, and August 2020, Elkins and Beard took surveillance photographs of A.A.B.'s and D.E.'s automobiles.~~

- e. ~~On or about June 25, 2020, Elkins and Beard placed a GPS tracking device on A.A.B.'s automobile.~~

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f. On or about July 9, 2020, Beard purchased a GPS tracking device that was placed on B.E.'s vehicle.

g. On or about July 25, 2020, **Elkins** telephoned the police using a fake name and falsely reported that she observed A.A.B.'s automobile driving dangerously on a public highway, and **Elkins** provided the police with A.A.B.'s automobile description and license plate number.

h. On or about August 6, 2020, **Elkins** telephoned the police and falsely

f. ~~On or about July 9, 2020, Beard purchased a GPS tracking device that was placed on B.E.'s vehicle.~~

Trackers. Intent?

A.A.B. arrested.

k. On or about September 2, 2020, **Elkins** texted Beard a photograph of A.A.B.'s automobile's license plate for Beard to provide the license plate number to the police in a false report that A.A.B. was selling drugs from the automobile.

l. On or about September 2, 2020, Beard telephoned the police using a fake name and falsely reported that A.A.B. was selling drugs to Black men at the apartment complex where A.A.B. worked, providing the police with A.A.B.'s automobile description and license plate number as the automobile from which A.A.B. was hiding and selling drugs.

m. On or about September 13, 2020, **Elkins** and Beard purchased a silver

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f. ~~On or about July 9, 2020, Beard purchased a GPS tracking device that was placed on B.E.'s vehicle.~~

g. On or about July 25, 2020, **Elkins** telephoned the police using a fake name and falsely reported that she observed A.A.B.'s automobile driving dangerously on a public highway, and **Elkins** provided the police with A.A.B.'s automobile description and license plate number.

h. On or about August 6, 2020, **Elkins** telephoned the police and falsely reported that A.A.B.'s mother, T.C., had assaulted her with A.A.B. present.

i. On or about August 11, 2020, **Elkins** and Beard hired a private investigator to track and monitor A.A.B. and B.E.

j. On or about September 2, 2020, **Elkins** and Beard planted illegal drugs and a pistol, with an obliterated serial number, in the trunk of A.A.B.'s automobile to have A.A.B. arrested.

k. On or about September 2, 2020, **Elkins** texted Beard a photograph of A.A.B.'s automobile's license plate for Beard to provide the license plate number to the

DWI Call. Intent?

~~g. On or about July 25, 2020, **Elkins** telephoned the police using a fake name and falsely reported that she observed A.A.B.'s automobile driving dangerously on a public highway, and **Elkins** provided the police with A.A.B.'s automobile description and license plate number.~~

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Exaggerated Assault. Intent?

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f. ~~On or about July 9, 2020, Beard purchased a GPS tracking device that was placed on B.E.'s vehicle.~~

g. ~~On or about July 29, 2020, Elkins telephoned the police using a fake name and falsely reported that she observed A.A.B.'s automobile driving dangerously on a public highway, and Elkins provided the police with A.A.B.'s automobile description and license plate number.~~

h. On or about August 6, 2020, Elkins telephoned the police and falsely reported that A.A.B.'s mother, T.C., had assaulted her with A.A.B. present.

i. On or about August 11, 2020, Elkins and Beard hired a private investigator to track and monitor A.A.B. and B.E.

j. On or about September 2, 2020, Elkins and Beard planted illegal drugs and a pistol, with an obliterated serial number, in the trunk of A.A.B.'s automobile to have A.A.B. arrested.

k. On or about September 2, 2020, Elkins texted Beard a photograph of

h. ~~On or about August 6, 2020, Elkins telephoned the police and falsely reported that A.A.B.'s mother, T.C., had assaulted her with A.A.B. present.~~

description and license plate number as the automobile from which A.A.B. was hiding and selling drugs.

m. On or about September 13, 2020, Elkins and Beard purchased a silver

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f. ~~On or about July 9, 2020, Beard purchased a GPS tracking device that was placed on B.E.'s vehicle.~~

g. ~~On or about July 29, 2020, Elkins telephoned the police using a fake name and falsely reported that she observed A.A.B.'s automobile driving dangerously on a public highway, and Elkins provided the police with A.A.B.'s automobile description and license plate number.~~

h. ~~On or about August 6, 2020, Elkins telephoned the police and falsely reported that A.A.B.'s mother, T.C., had assaulted her with A.A.B. present.~~

i. On or about August 11, 2020, **Elkins** and Beard hired a private investigator to track and monitor A.A.B. and B.E.

j. On or about September 2, 2020, **Elkins** and Beard planted illegal drugs and a pistol, with an obliterated serial number, in the trunk of A.A.B.'s automobile to have A.A.B. arrested.

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m. On or about September 13, 2020, **Elkins** and Beard purchased a silver